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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TOKYO ELECTRON AMERICA, INC.,

Plaintiff,

v.

ANDREW DALE MILLER,

Defendant.

Case No.: 3:21-cv-01388

**DECLARATION OF DOUGLAS
VREELAND**

I, Douglas Vreeland, declare as follows:

1. Tokyo Electron America, Inc. ("TEL") is a subsidiary company of Tokyo Electron U.S. Holdings, Inc. I have worked for Tokyo Electron U.S. Holdings, Inc. since 2016. My current position is Vice President, U.S. Legal & Compliance. I am a licensed attorney who has practiced law for 24 years. I make this declaration in support of TEL's Motion for Temporary Restraining Order and Preliminary Injunction. The matters stated in this declaration are based on my personal knowledge, and on review of TEL's records, and if called to testify at trial I am competent to testify regarding these facts.

2. Plaintiff TEL is a Delaware corporation with its principal place of business in Austin, Texas.

1 - DECLARATION OF DOUGLAS
VREELAND

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3. Based on our review of TEL's records and communications from Andrew Miller, Mr. Miller resides in Clark County, Washington.

4. TEL's records reflect that TEL hired Mr. Miller on July 23, 2018.

5. On July 13, 2018, prior to and as a condition of Mr. Miller's employment, he signed a Confidentiality, Non-Solicitation, and Invention Assignment Agreement (hereafter the "Confidentiality Agreement") with TEL. A true and correct copy of the Confidentiality Agreement is attached as Exhibit 1.

6. TEL ended Mr. Miller's employment with TEL, due to job abandonment. Mr. Miller was working off site when his employment ended and declined to return the Company Equipment.

7. I am informed and I believe that at the time of his termination, Mr. Miller now has in his possession two of TEL's laptop computers, a security badge (possible two badges, one for entry at TEL and a second for entry at Intel Corporation), and a company-issued telephone.

8. After his employment ended, TEL asked Mr. Miller to return the Company Equipment. For example, attached as Exhibit 2 is an August 12, 2021. In that letter, TEL offered Mr. Miller help for mental health concerns he had mentioned, requested return of the Company Equipment, and provided Mr. Miller a prepaid FedEx label to use in returning the equipment. In addition, on August 26, 2021, TEL again wrote Mr. Miller. In that letter, TEL offered Mr. Miller counselling services and career counselling, requested return of the Company Equipment, and informed Mr. Miller that TEL would need to take legal action if he did not return the equipment. A copy of the August 26, 2021 letter is attached as Ex. 3.

9. TEL is informed that Mr. Miller has made a claim against TEL with the Oregon Bureau of Labor and Industries (BOLI), but TEL has not received the BOLI complaint.

10. I have reviewed Mr. Miller's LinkedIn posts. Several of these are attached as Exhibit 1 to the Declaration of Christopher McCracken. I note that on September 16, 2021, Mr. Miller posted on LinkedIn that he was "dusting off the old [TEL] laptop." He then proceeded to

post company information from the laptop publicly on LinkedIn. The information posted appears to be a chat conversation involving our work for Intel which TEL and Intel consider to be confidential information.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 20th day of September, 2021.

DocuSigned by:



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Douglas Vreeland

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3 - DECLARATION OF DOUGLAS
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